

IN THE MATTER OF:

MICHAEL S. MARLIER,

Complainant,

and

DILLARD'S CORPORATION,

Respondent.

CHARGE NO(S): 2007CF0402
EEOC NO(S): 21BA62483
ALS NO(S): S07-801

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8b-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

Entered this 23rd day of August 2010

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

an order was entered continuing the public hearing/telephone conference call scheduled for January 8, 2008. Respondent filed its verified answer on December 28, 2007.

3. On February 24, 2008, Judge Robinson ordered the parties to participate in a telephone conference call on March 9, 2009. The date was changed to March 23, 2009, by his order of March 2, 2009.

4. On March 23, 2009, the Commission was unable to contact Complainant. As a result, Judge Robinson ordered Complainant to either dismiss his case or explain his absence from the scheduled telephone conference by April 27, 2009.

5. Complainant failed to file any written response to Judge Robinson's order.

CONCLUSIONS OF LAW

1. Complainant's failure to participate at a scheduled status hearing on March 23, 2009, and his failure to respond to Judge Robinson's March 26, 2009, order have unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, the complaint in this matter should be dismissed with prejudice.

DISCUSSION

Complainant was served with the Complaint in this matter on November 5, 2007. He was given notice of the first hearing date and a subsequent telephone conference status hearing. After failing to participate in the telephone conference call, Complainant was ordered to either dismiss his case or explain his absence by April 27, 2009. He has failed to comply with the order. Complainant's inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss his claim with prejudice. See, e.g., Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992.

HUMAN RIGHTS COMMISSION

BY: _____
WILLIAM J. BORAH
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: January 8, 2010